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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,097	07/14/2003	John Irving	28849/09214	5804
27530 7590 05/14/2008 NELSON MULLINS RILEY & SCARBOROUGH, LLP 1320 MAIN STREET, 17TH FLOOR COLUMBIA, SC 29201				
EXAMINER				
VIG, NARESH				
ART UNIT		PAPER NUMBER		
3629				
MAIL DATE		DELIVERY MODE		
05/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/619,097

Applicant(s)

IRVING ET AL.

Examiner

NARESH VIG

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation

"a dynamic search engine to permit those members of the community to search the data initially screened within the limit permitted by the hierarchical infrastructure " in lines 3 – 5;

"a dynamic filter controlled by a central location to permit monitoring and filtering of the data transmitted and structuring of the infrastructure" in lines 5 – 7.

There is insufficient antecedent basis for this limitation in the claim.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant recites the limitation of monitoring and filtering data transmission, however, applicant has not positively claimed filtering and transmission of data.

Applicant recites the limitation a hierarchical infrastructure for initially screening data to create a varying degrees of accessibility to input data. Applicant has not positively claimed how data and input data can be differentiated in the claimed invention.

Applicant has not positively claimed whether dynamic monitors and filters the data transmitted and structures the infrastructure, or, it is just a user interface

Applicant has not positively claimed whether the flagging filter component scans messages and data prior to delivery, and, is data recited in this step data, input data (as claimed earlier), or, different data.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over an article ePALS Classroom Exchange First to Provide Teacher Monitored Email With Instant Language Translation hereinafter known as ePALS, in view an article "MessageLabs: British Government Take On MessageLabs to Bolster Virus Protection hereinafter known as MessageLabs.

Regarding claim 1, ePALS teaches having an apparatus for monitoring and filtering data transmission. ePALS teaches Teacher Monitored Email wherein Teachers, Principals and Administrators can safely offer email accounts to students at all ages, and monitor for inappropriate content being sent or received. Therefore, to screen unwanted material, ePALS teaches capability wherein Teachers, Principals and Administrators can safely offer email accounts to students at all ages, and monitor for inappropriate content being sent or received.

ePALS teaches capability for:

varying degrees of accessibility to input data because Teachers are provided with the capability for previewing messages for inappropriate contents, oversee student email content to ensure that its safe and appropriate to the curriculum,

a dynamic search engine to permit those members of the community to search the data initially screened (teachers, Principals, Administrators etc.),

a dynamic filter to permit monitoring and filtering of the data transmitted and structuring of the infrastructure

ePALS does not explicitly teach to scan messages and data prior to delivery. However, MessageLabs teaches concept to scan messages and data prior to delivery to protect the infrastructure against threat of destructive mail viruses.

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify ePALS by adopting teachings of MessageLabs and scan messages and data prior to delivery to protect the infrastructure against threat of destructive mail viruses.

ePALS in view of MessageLabs reaches capability for having a component component to scan messages and data prior to delivery.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

1. Scholastic and ePALS Classroom Exchange Announce Agreement Connecting Global Classrooms; Service to Connect Teachers and Students in 182 Countries.
2. ePALS Classroom Exchange partners with Canada's SchoolNet
3. Lowery article, Internet neighborhood ePALS links world with Edwardsburg
4. Abas article, E-Mail Activities in the Classroom

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NARESH VIG whose telephone number is (571)272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 8, 2008

/Naresh Vig/
Primary Examiner,
Art Unit 3629